THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 9939 of 2007

DATE: 05-06-2007

Between :

Harijana Balanna

… Petitioner

And

The Joint Collector,
Anantapur, Anantapur District and two others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 9939 of 2007

ORDER:

By order dated 02-02-2007 passed by the second respondent-Revenue Divisional Officer, Anantapur, the authorization of the petitioner as fair price shop dealer of Mynapuram village, Guntakal Mandal, Anantapur District was cancelled after conducting due enquiry. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent-Joint Collector. The fist respondent while entertaining the appeal, declined to grant stay of the order of cancellation and accordingly, passed an order dated 17-04-2007. The said order of the first respondent dated 17-04-2007 is under challenge in this writ petition.

Though the learned counsel for the petitioner vehemently contended that the order passed by the second respondent canceling the authorization itself is arbitrary and illegal and liable to be set aside, I am not inclined to express any opinion on merits since the statutory appeal is pending before the first respondent. So far as the stay of operation of the order dated 02-02-2007 is concerned, admittedly, the petitioner has not been operating the fair price shop from February, 2007 onwards. It is also relevant to note that pursuant to the cancellation of the authorization of the petitioner, by order, dated 12-02-2007, the second respondent has appointed one C.Ashok as dealer on temporary basis in respect of the fair price shop in question and as on today he has been running the shop.

In the circumstances, I am unable to hold that the first respondent has committed any error in rejecting the interim stay sought by the

petitioner. However, having regard to the facts and circumstances, I am of the opinion that the main appeal itself requires to be decided expeditiously.

Accordingly, the writ petition is disposed of with a direction to the first respondent to dispose of the appeal pending on his file against the order of the second respondent dated 02-02-2007 as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J.

Date:05-06-2007

Note: Issue C.C. by tomorrow

B/o

KLP